

**Congress of the United States**  
**Washington, DC 20515**

May 12, 2023

The Honorable Michael S. Regan  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

Dear Administrator Regan:

We write to express our strong concern about the ecological and human health risks posed by microplastics and to urge the EPA to use its existing statutory authorities to address the growing prevalence of microplastic pollution.

Microplastics have been found nearly everywhere scientists have looked for them, from the top of Mount Everest to the bottom of the Mariana Trench.<sup>i</sup> EPA scientists have characterized microplastics as an “emerging threat” due to their ubiquity, persistence, ability to absorb and leach other pollutants into the environment, and lack of established remediation methods.<sup>ii</sup>

Recent estimates reveal that the average adult takes in over 320,000 microplastics each year.<sup>iii</sup> Experts are also increasingly sounding the alarm about the emerging body of evidence showing that microplastics may be inducing inflammation, dysregulating our immune and endocrine systems, increasing cancer risk, and affecting pregnancy outcomes.<sup>iv</sup> As the EPA/NOAA’s Draft Report on Microfiber Pollution states, “existing research suggests that microplastics (including microfibers) have the potential to impact human reproductive, respiratory, digestive, nervous, and urinary systems.”<sup>v</sup>

Inaction from the EPA in setting national regulations for microplastics has led to troubling disparities among states regarding basic protections from such pollution. After initially proposing in March 2022 requirements for chemical companies to have internal processes restricting accidental releases of plastic pollution the Texas Commission on Environmental Quality (TCEQ) quickly abandoned the initiative.<sup>vi</sup> California has adopted a statewide strategy to reduce microplastics in aquatic ecosystems, with the California Ocean Protection Council leading multiple state agencies in this goal.<sup>vii</sup> Federal action should encourage high standards to mitigate microplastics in natural environments, which can ultimately make their way into the food we eat, the water we drink, and the air we breathe.

We recognize that the EPA has already taken some steps to address microplastics, including through the EPA’s Trash Free Waters (TFW) program, which has supported numerous research and outreach activities to improve our understanding of microplastic pollution. TFW has also

convened scientists through its Microplastics Expert Workshops to address key data gaps and methodological challenges.<sup>viii</sup>

We are encouraged that the EPA/NOAA Draft Report's Federal Plan included actions to prevent pollution and address associated health risks such as capturing microfibers from wastewater effluent and stormwater runoff, removing them from surface waters, minimizing the use of harmful chemicals, supporting the development of non-toxic alternatives, reducing waste, and promoting a circular economy.<sup>ix</sup> The goals laid out in the Draft Report on Microfiber Pollution apply to the broader category of microplastics and if achieved could make a positive impact on reducing, capturing, and minimizing microplastics in the environment. At this stage, however, it is important that we move beyond goals and into enforceable limits. Ultimately, the Clean Water Act sets the right target—its whole purpose is to eliminate the discharge of pollutants into our waters.

Currently, microplastics are defined as solid waste, rather than hazardous material, despite their high prevalence throughout all ecosystems and concerns regarding human health impacts. Microplastics affect the marine carbon cycle, which plays a vital role in mitigating climate change, and animal ingestion of microplastics additionally exposes them to harmful chemical additives within the plastic material.<sup>x</sup> Microplastic pollution goes beyond the harms of solid waste—microplastics increase emissions and poison living organisms as they introduce harsh chemicals into ecosystems.

The EPA's recent proposal to establish drinking water safety limits on per- and poly-fluoroalkyl substances (PFAS) is an important step to ensure all Americans have safe drinking water. Microplastics present hazardous ecological and human health threats. Current regulations are lacking and facilitate human ingestion of microplastics. The prevalence of microplastics within water systems poses similar risks to human health and should be included in upcoming drinking water limits and regulations.

In addition to expanding existing efforts to regulate microplastics, further action should be taken under the Clean Water Act to mitigate microplastics throughout the environment. The plastics industry continues to operate under Effluent Limitations Guidelines and Standards (ELGs) largely unchanged from the original passage of the Clean Water Act fifty years ago, which fail to account for the current consumption rates and widespread proliferation of microplastics.<sup>xi</sup> Modern plastic production—both technology and quantity—has changed significantly, necessitating a reevaluation of ELGs to ensure full enforcement of the Clean Water Act.

In support of a proactive, precautionary approach to microplastic pollution, we request that EPA take the following actions to remediate and prevent future harm from microplastics:

1. issue national primary drinking water regulation for microplastics modeled after proposed regulations for PFAS. The EPA must use the Safe Drinking Water act regulatory process to establish clear goals and enforceable limits on the number of microplastics in drinking water.

2. recognize microplastics and the many chemicals they contain as hazardous and toxic and start to regulate them as such under the Resource Conservation and Recovery Act in concordance with the best available data. Classifying microplastics as hazardous waste strengthens disposal regulations, mitigating their presence in natural ecosystems.
3. establish effluent limitations for runoff of 0 mg/l of plastic materials. All stormwater, industrial and general, permits issued by the EPA and state-delegated NPDES programs must reflect these limits to the best of their available ability.
4. publish the final EPA/NOAA Report on Microfiber Pollution committing to the actions proposed in Section 7 of the Draft Report and, in addition, adopting a more clear and urgent timeline for removing microplastics from water systems with proposed regulations that will lessen microplastic pollution as outlined in the report.
5. increase TWF research and outreach efforts through the Microplastics Expert Workshops to guide quantifiable recommendations for further EPA action to reduce microplastics.

To fully meet the urgency of the moment and mitigate further damaging effects, we respectfully urge the EPA to undertake more comprehensive action to strengthen the regulation of microplastics under the Clean Water Act. We request a comprehensive reply with specific responses to our five requested actions in a timely manner.

Thank you for your attention to this important matter, and we look forward to working with you.

Sincerely,



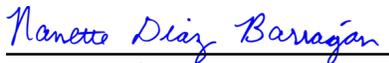
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Lloyd Doggett  
Member of Congress



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Robert Garcia  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



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Melanie Stansbury  
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Veronica Escobar  
Member of Congress



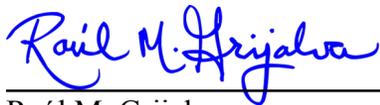
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MARK TAKANO  
Member of Congress



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Rashida Tlaib  
Member of Congress



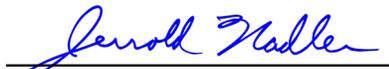
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Raúl M. Grijalva  
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Mike Quigley  
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Donald M. Payne, Jr.  
Member of Congress



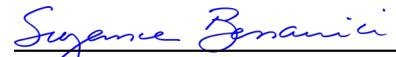
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Adam B. Schiff  
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Member of Congress



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André Carson  
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Jared Huffman  
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Ro Khanna  
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*Bonnie Watson Coleman*

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*Nydia M. Velázquez*

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Jan Schakowsky  
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*Jamaal Bowman*

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Jamaal Bowman, Ed.D.  
Member of Congress

*Haley Stevens*

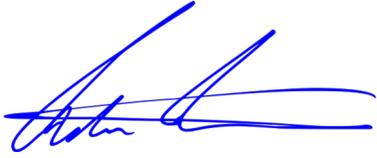
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Haley M. Stevens  
Member of Congress

*Greg Casar*

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Greg Casar  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Dwight Evans  
Member of Congress



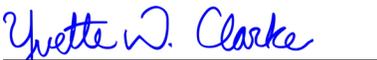
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Steve Cohen  
Member of Congress



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Member of Congress



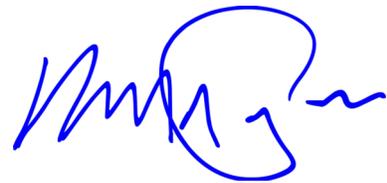
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Sydney Kamlager-Dove  
Member of Congress



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Mark Pocan  
Member of Congress



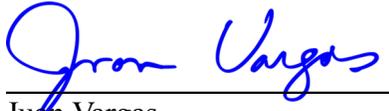
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Ayanna Pressley  
Member of Congress



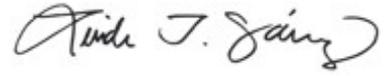
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C. A. Dutch Ruppberger  
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Juan Vargas  
Member of Congress



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Linda T. Sánchez  
Member of Congress



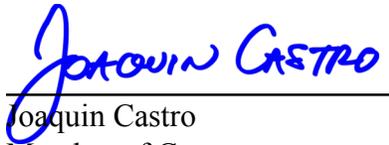
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Jennifer L. McClellan  
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Cori Bush  
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Gerald E. Connolly  
Member of Congress



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Matt Cartwright  
Member of Congress



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Darren Soto  
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Emanuel Cleaver, II  
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Raja Krishnamoorthi  
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Mike Levin  
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Member of Congress



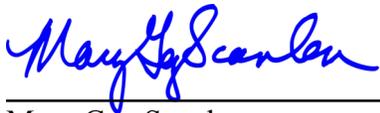
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Sheila Jackson Lee  
Member of Congress



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Andrea Salinas  
Member of Congress



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Mary Gay Scanlon  
Member of Congress



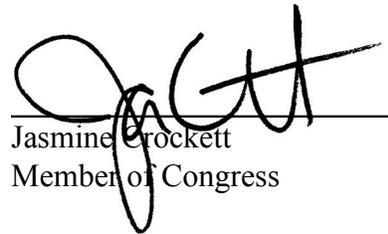
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Debbie Dingell  
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Sara Jacobs  
Member of Congress



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Jasmine Crockett  
Member of Congress



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JM Tokuda  
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Zoe Lofgren  
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Shri Thanedar  
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Kathy Castor  
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William R. Keating  
Member of Congress



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Maxine Waters  
Member of Congress



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Marilyn Strickland  
Member of Congress



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Stephen F. Lynch  
Member of Congress



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Brad Sherman  
Member of Congress



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Ritchie Torres  
Member of Congress



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Brendan F. Boyle  
Member of Congress



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Lori Trahan  
Member of Congress

<sup>i</sup> Carolyn Wilke, “Plastics are showing up in the world’s most remote places, including Mount Everest, ScienceNews, November 20, 2020, <https://www.sciencenews.org/article/plastics-remote-places-microplastics-earth-mount-everest>

<sup>ii</sup> “Toxics in the Food Web,” EPA, June 2021, <https://www.epa.gov/salish-sea/toxics-food-web>

<sup>iii</sup> Nor, N., et al. Lifetime accumulation of microplastic in children and adults. Environmental Science and Technology, 2021. <https://pubs.acs.org/doi/10.1021/acs.est.0c07384>.

<sup>iv</sup> “Draft Report on Microfiber Pollution,” National Oceanic and Atmospheric Administration, September 15, 2022, <https://www.regulations.gov/document/NOAA-NOS-2022-0061-0002>

<sup>v</sup> *Ibid.*

<sup>vi</sup> Erin Douglas, “Texas regulators proposed cracking down on harmful plastic ‘nurdles’ – and then changed their minds,” September 7, 2022, The Texas Tribune, <https://www.texastribune.org/2022/09/06/tceq-microplastics-nurdle-pollution/>

<sup>vii</sup> “Statewide Microplastics Strategy: Understanding and Addressing Impacts to Protect Coastal and Ocean Health,” California Ocean Protection Council, February 2022, [https://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20220223/Item\\_6\\_Exhibit\\_A\\_Statewide\\_Microplastics\\_Strategy.pdf](https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20220223/Item_6_Exhibit_A_Statewide_Microplastics_Strategy.pdf)

<sup>viii</sup> “The Flow of Trash Free Waters,” EPA, January

2018, [https://www.epa.gov/sites/default/files/2018-03/documents/trash\\_free\\_waters\\_-\\_the\\_flow\\_8\\_1-18-18.pdf](https://www.epa.gov/sites/default/files/2018-03/documents/trash_free_waters_-_the_flow_8_1-18-18.pdf)

<sup>ix</sup> “Draft Report on Microfiber Pollution,” National Oceanic and Atmospheric Administration, September 15, 2022, <https://www.regulations.gov/document/NOAA-NOS-2022-0061-0002>

<sup>x</sup> “Learn About Aquatic Trash” EPA, October 31, 2022, <https://www.epa.gov/trash-free-waters/learn-about-aquatic-trash>.

<sup>xi</sup> “280 Environmental, Public Health, Indigenous, and Community Non-Governmental Organizations Petitioners, vs. Andrew Wheeler, Administrator, United States Environmental Protection Agency,” [https://www.biologicaldiversity.org/campaigns/ocean\\_plastics/pdfs/CWA-Petro-Plastics-Petition-to-EPA-6-23-19.pdf](https://www.biologicaldiversity.org/campaigns/ocean_plastics/pdfs/CWA-Petro-Plastics-Petition-to-EPA-6-23-19.pdf)